

Electronic Case Filing—Coming Soon To A Bankruptcy Court Near You

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The Bankruptcy Court for the District of Kansas will implement a new case management and electronic case filing system in the spring of 2003. This new system, known as CM/ECF, will allow documents to be filed electronically, from a computer with internet access. It will allow 24 hour electronic access to all filed documents, at the time and location most convenient for users. No one, including those in remote locations, will have to travel to file documents. Electronic notice will be received by parties as soon as a document is “filed”. The time and expense of serving paper notice will decrease. Participants should see a reduction in mail, courier, and copying fees. Maintenance time and storage space for paper files will be reduced.

CM/ECF is easy to use. Filers prepare a document using word processing software, then convert the document to Portable Document Format (PDF). After logging onto the court’s web site with a court-issued password, the filer follows step-by-step instructions to create the docket entry, then attaches the document and submits it to the court. A notice verifying court receipt is sent by e-mail to the filer, and other parties receive e-mail notification. To see how easy it will be to use, visit the court’s training website at <http://pacer.psc.uscourts.gov/cmecf/index.html>.

There are no added fees for filing documents using CM/ECF. Existing filing fees do apply, and are automatically billed to a credit card provided by the filer to the Clerk’s office when the password is issued. Under CM/ECF, litigants automatically receive one free electronic copy of documents filed in their cases. Additional electronic copies are available to attorneys and the general public for viewing or downloading at \$.07 per page.

Judge Robert E. Nugent, Chief Bankruptcy Judge, is the Court’s representative on the CM/ECF Oversight Committee. The Chairman of the committee is Hugh Zavadil, Chief Deputy of the Bankruptcy Clerk’s office. The objective of the Oversight Committee is to assure that all parties receive the information and training necessary to use the system effectively, resulting in significant benefits over the current paper system.

In the spring of 2003, the Clerk’s Office will internally implement the case management portion of CM/ECF. During this process, the CM portion of CM/ECF will replace the BANCAP system. Users of PACER will see some changes on their screens as the Clerk’s Office converts its software, but will continue to be able to access images of all filed documents on the PACER Website. In the summer of 2003, the Court will solicit volunteers from all types of practice to train and begin using the electronic case filing system. This should fine tune the process before CM/ECF is fully implemented and will help to build a base of “mentors” to help others.

Initially, participation will be voluntary. However, CM/ECF will become mandatory, with a

¹The views expressed in this article are those of the author and are not intended to represent the views of the Department of Justice or the Executive Office for United States Trustees.

target date for going “fully live” by December of 2003. Information necessary to effective use of the system will be available through articles, on the Bankruptcy Court’s website at www.ksb.uscourts.gov/cmecfinfo.html, on the Kansas Bankruptcy Practitioner Listserve at bk-kansas@lists.washlaw.edu and through handouts and presentations at bar meetings and seminars. Recommended hardware, software, and internet requirements can be found on the Bankruptcy Court’s website. Anyone considering computer purchases now is encouraged to contact Kirk Holiday at the Bankruptcy Clerk’s office in Wichita to make certain that new equipment is compatible with CM/ECF.

CM/ECF will be a big change from current practice, but a big change for the better. To make the transition a smooth one, the support and participation of the Bar is crucial. An open dialogue between the Court and users is not only encouraged, but necessary. If you have questions, ideas or suggestions, please contact someone on any of the various committees listed on the Court’s website. We will do our best to answer your questions, address your concerns and pass along your suggestions.